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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Daniel J. Hassett

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EXAMINER

ZEMAN, ROBERT A

ART UNIT

PAPER NUMBER

1645

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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PAPER

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT	PAPER
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20070321

DATE MAILED:

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Commissioner for Patents

Art Unit: 1645

DETAILED ACTION

Based on the amended to claim 1, claims 1-2 and newly added claim 9 are directed to an invention(s) that is independent or distinct from the invention originally claimed for the following reasons: the previously examined claims of the instant application were drawn to methods of Cystic Fibrosis disease assessment comprising detecting the presence or absence of OprF (Group I of the Restriction requirement). The proposed "new" claims are drawn methods of treating Cystic Fibrosis disease comprising detecting the presence or absence of OprF (Group III of the Restriction requirement)

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 1-2 and 9 would be withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Since the instant amendment, if entered, would leave no claims drawn to the elected invention it is considered non-responsive.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert A. Zeman whose telephone number is (571) 272-0866. The examiner can normally be reached on Monday- Thursday, 7am -5:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Siew can be reached on (571) 272-0787. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1645

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ROBERT A. ZEMAN
PRIMARY EXAMINER

March 21, 2007